

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FREDERICK BATES,
Plaintiff,

v.

CITY OF SAN JOSE, et al.,
Defendants.

Case No. 20-cv-07609-BLF

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED AS TO UNSERVED
DEFENDANTS**

Plaintiff filed the Complaint in this action on October 29, 2020. *See* Complaint, ECF No. 1. On January 21, 2021, Plaintiff filed an executed waiver of service for Defendant City of San Jose. *See* ECF No. 7. It does not appear, however, that any of the other defendants—Robert Davis, Adonna Amoroso, and Tuck Younis—have been served. Under Federal Rule of Civil Procedure 4(m), a defendant must be dismissed if not served within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Each of these three unserved defendants was named in the original complaint, and thus the deadline for effectuating service of process on them has long passed.

Plaintiff is ORDERED TO SHOW CAUSE, in writing, **on or before August 24, 2021**, why Defendants Robert Davis, Adonna Amoroso, and Tuck Younis should not be dismissed from the action for failure to effect timely service of process.

IT IS SO ORDERED.

Dated: August 9, 2021



BETH LABSON FREEMAN
United States District Judge